

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

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Attorneys for Defendant
Merck & Co., Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DARLENE C. ISLAND, an individual

Plaintiff,

vs.

MERCK & COMPANY, INC., a Corporation;
MCKESSON CORPORATION, a Corporation;
and DOES 1 through 50, inclusive.

Defendants.

Case No. C 07-1494 MMC

**STIPULATION AND ORDER STAYING
PROCEEDINGS PENDING TRANSFER
TO *IN RE VIOXX PRODUCTS LIABILITY
LITIGATION*, MDL NO. 1657**

1 The parties, by and through their counsel, stipulate to and respectfully request a stay
2 of all proceedings in this action pending the transfer of this case to *In re VIOXX Products Liability*
3 *Litigation*, MDL No. 1657.

4
5 Plaintiff alleges personal injuries attributed to the prescription drug Vioxx®.
6 Defendant Merck & Co., Inc. (“Merck”) manufactured and distributed Vioxx, but voluntarily
7 withdrew Vioxx from the market on September 30, 2004.

8
9 On February 16, 2005, the Judicial Panel on Multidistrict Litigation (“JPML”) issued
10 an order transferring 148 Vioxx -related cases to the United States District Court for the Eastern
11 District of Louisiana for coordinated pretrial proceedings under 28 U.S.C. § 1407. Merck intends
12 to seek the transfer of this action to that Multidistrict Litigation, *In re VIOXX Products Liability*
13 *Litigation*, MDL No. 1657, and provided notice to the MDL Panel of the pendency of this “tag-
14 along” action in a letter dated March 16, 2007. A stay will potentially conserve judicial resources
15 and will not cause unfair prejudice to the parties. *See Rivers v. Walt Disney Co.*, 980 F. Supp.
16 1358, 1360 (C.D. Cal. 1997) (stay pending MDL transfer decision action would further judicial
17 economy because “any efforts on behalf of this Court concerning case management will most
18 likely have to be replicated by the judge that is assigned to handle the consolidated litigation”).

19
20 Based on the foregoing, the parties respectfully request that the Court stay this action
21 pending its transfer to MDL No. 1657.

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1 DATED: April 4, 2007.

2 REED SMITH LLP

3
4 By /s/
5 Alison B. Riddell
6 Attorney for Defendant
7 Merck & Co., Inc.

8 DATED: April 3, 2007

9 EDGAR LAW FIRM

10 By /s/
11 Donald S. Edgar
12 Attorney for Plaintiff
13 Darlene Island

14 DATED: April 4, 2007.

15 MORRIS POLICH & PURDY

16 By /s/
17 Megan Wynne, Esq.
18 Attorney for Defendant
19 McKesson Corp.

ORDER

Having considered the foregoing stipulation and good cause appearing therefore, the Court hereby STAYS the above-titled action.

If, by June 29, 2007, the action has not been transferred to the Eastern District of Louisiana, the parties shall, on that date, file a joint status statement to apprise the Court of the status of the case.

IT IS SO ORDERED.

DATED: April 5, 2007


United States District Judge